

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1836.

AUGUSTA:
SMITH & ROBINSON,.....PRINTERS.

1836.

SIXTEENTH LEGISLATURE.

No. 12.

HOUSE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT
HUNDRED AND THIRTY-SIX.

AN ACT to alter and define the criminal Juris-
diction of the Judicial Courts.

SECTION 1. *Be it enacted by the Senate and
2 House of Representatives in Legislature as-
3 sembled,* That in all cases in which the Court
4 of Common Pleas has now, by law, jurisdic-
5 tion of crimes, offences and misdemeanors con-
6 current with the Supreme Judicial Court, it
7 shall have such jurisdiction exclusive of said Su-
8 preme Judicial Court; *provided,* that nothing
9 in this Act shall alter the exclusive jurisdiction
10 of said Supreme Judicial Court, as now pre-
11 scribed by law, nor alter or diminish the juris-

12 diction, powers and duties of Justices of the
13 Peace.

SECT. 2. *Be it further enacted*, That, in
2 each County in the State, in which two terms
3 at least, of the Supreme Judicial Court, shall
4 be annually holden, no traverse Juries shall be
5 summoned to attend at the full, or law term
6 of said Court, unless the Court shall otherwise
7 order: *provided however*, that whenever any
8 person or persons, shall be in prison charged
9 with any of the crimes, offences, or misdemean-
10 ors, cognisable by said Supreme Judicial Court,
11 and the Attorney General or the Attorney
12 for the State, or the person so imprisoned, by
13 himself or his counsel, shall request said court in
14 session or any Justice thereof in vacation to
15 summon a jury or juries, for the trial of such
16 prisoner or prisoners; it shall be the duty of
17 such Court or Justice so to summon such jury
18 or juries, anything in this Section to the contra-
19 ry notwithstanding—unless a continuance upon
20 the application of the prosecuting attorney or
21 the prisoner, and upon legal ground or by con-
22 sent, shall be granted by the Court.

SECT. 3. *Provided nevertheless, and be it*
2 *further enacted,* That if any person charged
3 with any crime, offence or misdemeanor in any
4 Court of Common Pleas, shall be aggrieved
5 by any opinion, direction or judgment of said
6 Court in any matter of law, he may alledge ex-
7 ceptions thereto, in the same manner and the
8 same proceedings shall be had as is provided, in
9 the fifth section of the Act to establish a Court
10 of Common Pleas, passed the fourth of Febru-
11 ary, A. D. 1822; and the person making the
12 exceptions shall enter into recognizance, with
13 sureties, as the Court shall direct, to enter his
14 appeal at the Supreme Judicial Court at the
15 next term thereof in the said County—and pro-
16 duce all papers in the case—and if the person
17 making the exceptions shall enter his appeal at
18 the Supreme Judicial Court at the next term
19 thereof in the said County, the Supreme Judi-
20 cial Court shall have cognizance thereof, and
21 may enter judgment or grant a new trial at the
22 bar of said Court, or remand the same to the
23 Court of Common Pleas, as justice may require:
24 and if the person so excepting shall fail to enter

25 his appeal, and to produce all papers as afore-
26 said, the Supreme Judicial Court may sentence
27 such person to such punishment as the Court of
28 Common Pleas might have inflicted, or adjudge
29 the recognizance forfeited as the case may re-
30 quire.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 22, 1836. }

This bill was read twice and 500 copies ordered to be printed for the use of the Legislature; and Wednesday next at ten o'clock assigned for a third reading.

[Extract from the Journal.]

JAMES L. CHILD, Clerk.